

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. V(C) (p. 15): Covenant prohibits clotheslines in direct violation of Fla. Stat. § 163.04.

Statutory / Legal Reference: Fla. Stat. § 163.04

Statutory Comparison: Florida Statute § 163.04 renders null, void, and unenforceable any deed restriction, covenant, or rule that prohibits or has the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources.

CURRENT WORDING IN DOCUMENT:

(I) No clotheslines or similar devices shall be allowed on any portion Condominium Property corporation without a written consent of terraces etc. may be dusted the Units; and rugs, etc. may cleaned within any other portion of the Condominium and-all garbage tions designated such by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 163.04, solar collectors and clotheslines shall not be prohibited, subject only to reasonable architectural guidelines regarding placement that do not impair performance.

ISSUE #1

REC: 13121 PG 2588

(E) Common Elements shall not be obstructed, littered, defaced or misused in any manner.

(F) No structural changes or alterations shall be made in any Unit, except upon approval, in writing, of the Board of Directors and the approval of the institutional first mortgagee of the institutional first mortgage, if any, encumbering said Unit.

(G) A Unit Owner may keep pets in the Unit such as parakeets, canaries, cats and dogs, but said pets shall be allowed in the Owner's Unit only if they are hand carried, caged or on a leash at all times while they are outside of the Owner's Unit and until they are beyond the Condominium Property. The right to keep such pets by any Unit Owner may be revoked at any time by the decision of the Board of Directors in the exercise of their judgment, and in their sole discretion; and upon such revocation, the Unit Owner shall forthwith remove the pet which the Board of Directors directs the Owner to remove from the Unit. The Unit Owner will have no recourse against the Members of the Association or the Board of Directors or the Association for any decision made regarding the removal of pets from the Unit. During such time when a pet is housed in a Unit, the Owner will hold the Association harmless against any and all claims, debts, demands, obligations, costs and expenses, which may be sustained by or asserted against the Association and the Members of its Board by reason of acts of said pet committed in or about the Condominium Property; and the Unit Owner will be responsible for the repair of all damage resulting from acts of said pet.

(H) No Unit Owner or occupant of a Unit shall post any advertisement or posters of any kind in or on the Condominium Unit or the Condominium Property except as authorized, in writing, by a majority of the Board of Directors (except for such area as specifically provided for that purpose, being a bulletin board adjacent to the mailboxes).

(I) No clotheslines or similar devices shall be allowed on any portion of the Condominium Property by any person, firm or corporation without a written consent of a majority of the Board of Directors; and no rugs, etc. may be dusted from the windows or terraces of the Units; and rugs, etc. may only be cleaned within the Units and not in any other portion of the Condominium Property; and all garbage and trash shall be deposited at the locations designated for such by the Association.

(J) Owners and occupants of Units shall exercise extreme care to minimize noises and in the use of musical instruments, radios, televisions, amplifiers or other loud speaker in said Unit so as not to disturb other persons and parties occupying Units; Owners and occupants shall keep the front doors to their Units closed to minimize noise; and they shall not play upon or permit to be operated a phonograph, radio, television set or other loud speaker in any Unit between the hours of 11:00 p.m. and the following 8:00 a.m. if the same shall disturb or annoy other occupants of the Condominium Property.

(K) No Owner or occupant of a Unit shall install major wiring for electrical or major telephone installations, nor install any type of television antennae, or additional air-conditioning equipment, etc., except as authorized, in writing, by the Association.

(L) No Owner or occupant of a Unit shall use the outside area of a Unit or the walls around them for the drying of laundry or the airing of beddings, and shall not alter the exterior appearance of such walls or remove the same.